## UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

CHARLES GONZALES,	§	
Plaintiff,	§ 8	
<b>,</b>	8 8	
<b>v.</b>	§	CIVIL ACTION NO. 4:18-cv-999
	§	
WILMINGTON SAVINGS FUND	§	
SOCIETY, FSB, D/B/A CHRISTIANA	§	
TRUST, NOT IN ITS INDIVIDUAL	§	
CAPACITY BUT SOLELY AS TRUSTEE	§	
FOR RMAC TRUST, SERIES 2015-5T	§	
AND RUSHMORE LOAN	§	
MANAGEMENT SERVICES LLC	§	
Defendants.	§	

## **DECLARATION OF BECKY HOWELL**

THE STATE OF TEXAS §

COUNTY OF DALLAS §

- 1. "My name is Becky Howell. I am over the age of eighteen (18), have never been convicted of a crime involving moral turpitude and am fully competent to provide this testimony. The facts stated in this Declaration are within my personal knowledge and are true and correct.
- 2. "I am the Executive Vice President of Foreclosure for BDF Holdings, LP, an affiliated service provider for Barrett Daffin Frappier Turner & Engel, LLP ('BDFTE'), and I am responsible for all default servicing activities involved in relation to Charles Gonzales' (Mortgagor) loan on behalf of Land Home Financial Services, Inc. ("Land Home"), servicer for CILICI, LLC ("Movant"), the holder or owner of the Mortgagor's mortgage.
- 3. "In my capacities, my duties have included the supervision of conducting foreclosure sales on behalf of BDFTE's clients, including the supervision of the mailing of notices of acceleration, notices of Substitute Trustee's sales, execution and recording of

Substitute Trustee's Deeds, and the filing of 736 Home Equity Applications as appropriate on each given matter. I personally am familiar with the standard business practices of BDFTE in the service of these notices. In preparation for this Declaration, I reviewed the business records of BDFTE, including, but not limited to, the 736 Home Equity Application and the notices of sale provided by BDFTE on behalf of the Movant, to Charles Gonzales for the loan secured by the property commonly known as 10434 Rocky Hollow, La Porte, Texas 77571 (the 'Property'). I personally am familiar with these records.

4. I am also the custodian of Movant's records with respect to default servicing of the Mortgagors' loan. The records attached to this Declaration are records which were obtained and kept in the regular course of business by BDFTE for purposes of liquidating the security for the Mortgagor's loan so that Movant could obtain payment for the money advanced for the Property. The records attached to this Declaration include documents from Movant in the custody of BDFTE. The records are the source of the exhibits attached to this Declaration. It was in the regular course of business that BDFTE or an employee or representative of BDFTE obtained these documents and records which were kept and generated in Movant's regular course of business, which is essential and required to properly administer the loan file for Movant. As to the business records attached to this Declaration, BDFTE, with knowledge of the act, event, condition or opinion recorded, obtained the business records which were received, checked, verified and then incorporated into, and made an integral part of, BDFTE's business records and file, and kept in its regular course of business; or BDFTE made the record or transmitted the information to be included in such records. The records were made at or near the time, or reasonably soon after the act, event, or condition recorded. The records attached to this Declaration are the originals or exact duplicates of the original.

- 5. On October 5, 2017, BDFTE, at the request of Movant, filed an Application for an Expedited Order Under Rule 736 ("736 Application"). A true and correct copy of the 736 Application is attached hereto as **Exhibit B-1** and incorporated herein by reference.
- 6. BDFTE, at the request of Movant, noticed the Property for the February 6, 2018 foreclosure sale. True and correct copies of the notices of sale that were mailed to Mortgagor are attached hereto as **Exhibit B-2** and incorporated herein by reference. BDFTE received notice of Mortgagor's lawsuit prior to the February 6, 2018 foreclosure sale and removed the Property from sale. As of the date of this Declaration, the Property has not been sold at foreclosure.
- 7. Pursuant to 28 U.S.C (S) 1746, I declare under penalty of perjury that the foreclosing is true and correct. Date this 30 day of September, 2019.

DECDARANTA

Becky Howell